

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY LIMA

USMISSION GENEVA

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FOR US DEL UNIDO II

FOLLOWING REPEAT STATE 064903 ACTION USUN INFO

TOKYO MEXICO DTD 21 MAR

QTE

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E.O. 11652:N/A

TAGS: UN, ECOSOC, EGEN

SUBJECT: COMMITTEE ON NATURAL RESOURCES - SPEECH MATERIAL

- ON SOVEREIGNTY OVER NATURAL RESOURCES AND CERDS

USUN FOR AMBASSADOR FERGUSON

TOKYO HOLD FOR USDEL

1. IN RESPONSE YOUR REQUEST FOR CLEARED SPEECH MATERIAL
ON ABOVE SUBJECTS, FOLLOWING SUGGESTED PASSAGE ON
SOVEREIGNTY OVER NATURAL RESOURCES HAS BEEN INCLUDED IN
DRAFT STATEMENT BEING DATAFAXED TO YOU TODAY:

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QUOTE.

MAY I ALSO TOUCH ON THE QUESTION OF PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES BY RESTATING THE U.S. POSITION ON THIS QUESTION. THE UNITED STATES OF COURSE SUPPORTS THAT SOVEREIGNTY AND ITS EXERCISE AS APPROPRIATE. BUT THE RIGHT OF SOVEREIGNTY OVER NATURAL RESOURCES IS NO MORE ABSOLUTE THAN ANY OTHER RIGHT. IT MUST TAKE ACCOUNT OF OTHER RIGHTS; AND, IN PARTICULAR, IT MUST BE EXERCISED IN ACCORDANCE WITH A STATE'S INTERNATIONAL OBLIGATIONS. SUCH A BALANCED APPROACH WAS SET FORTH IN GENERAL ASSEMBLY RESOLUTION 1803 (XVII). BUT CERTAIN RESOLUTIONS ADOPTED

BY THE GENERAL ASSEMBLY AND OTHER ORGANS ON THIS SUBJECT MORE RECENTLY LACK THIS CRITICAL BALANCE. ACCORDINGLY, THE UNITED STATES COULD NOT SUPPORT THOSE RESOLUTIONS. IT WILL NOT LEND ITS SUPPORT TO RESOLUTIONS THAT PURPORT TO AFFIRM RIGHTS IN DEROGATION OF INTERNATIONAL LAW, OR THAT FAIL TO SPECIFY THAT THE EXERCISE OF PERMANENT SOVEREIGNTY AND ALLIED RIGHTS, SUCH AS THAT OF NATIONALIZATION, MUST BE IN ACCORDANCE WITH A STATE'S INTERNATIONAL OBLIGATIONS. UNQUOTE

2. FOLLOWING SUGGESTED PASSAGE ON CERDS IS PROVIDED FOR USE IF AND WHEN CERDS ISSUE ARISES. WE PREFER THAT THIS NOT REPEAT NOT BE USED PREEMPTIVELY IN ANTICIPATION OF ISSUE ARISING (UNLESS IT HAS IN EFFECT ALREADY DONE SO IN THE FORM OF DRAFT DOCUMENTS IN CIRCULATION, STATEMENTS, ETC.), AS MEXICANS MIGHT WELL CHOOSE TO TAKE OFFENSE AT WHAT THEY MIGHT INTERPRET AS GRATUITOUS SWIPE AT THEIR PET PROJECT. (MEXICANS OF COURSE

ARE NOT MEMBERS OF COMMITTEE ON NATURAL RESOURCES, BUT THEY ARE LIKELY TO HAVE OBSERVER PRESENT AND IN ANY EVENT WILL BE ALERT TO ANYTHING ON CERDS. WE HOPE, BY THE WAY, THAT NON-MEMBERSHIP OF MEXICANS WILL MEAN LESS PRESSURE ON CERDS). SUGGESTED LANGUAGE FOLLOWS:

QUOTE

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IT MAY BE USEFUL IF I RESTATE THE POSITION OF THE UNITED STATES ON THE CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES. AS THE MEMBERS OF THIS COMMITTEE WILL RECALL, THE UNITED STATES FELT CONSTRAINED TO VOTE AGAINST THE CHARTER WHEN IT WAS BROUGHT TO A VOTE AT THE 29TH SESSION OF THE GENERAL ASSEMBLY. THE UNITED STATES VOTED AGAINST THE CHARTER NOT BECAUSE IT OPPOSED THE PRINCIPLE OF A CHARTER OR MUCH OF ITS CONTENT. ON THE

CONTRARY, IT SUPPORTED, AND SUPPORTS, THE PRINCIPLE OF A CHARTER AND VOTED IN FAVOR OF MOST OF THE CHARTER'S ARTICLES. THOSE ARTICLES WERE THE RESULT OF A PROCESS OF EXTENSIVE AND INTENSIVE NEGOTIATION IN WHICH THE UNITED STATES PARTICIPATED FULLY.

HOWEVER, IN THE VIEW OF THE UNITED STATES, THE CHARTER AS ADOPTED CONTAINS A NUMBER OF ARTICLES AND PASSAGES THAT ARE UNACCEPTABLE. THE POSITION OF THE UNITED STATES ON THESE ARTICLES AND PASSAGES WAS SET OUT IN THE GENERAL ASSEMBLY AT THE TIME OF THE CHARTER'S ADOPTION AND NEED NOT BE REPEATED NOW. I SHOULD LIKE TO NOTE,

HOWEVER, THAT, IF A DISPOSITION TO RENEGOTIATE THE ARTICLES AGAINST WHICH THE UNITED STATES AND A NUMBER OF OTHER INDUSTRIALIZED DEMOCRACIES VOTED SHOULD BE MANIFESTED, THE UNITED STATES WOULD BE PREPARED TO TAKE A CONSTRUCTIVE PART IN THEIR RENEGOTIATION. SUBSTANTIAL RENEGOTIATION WOULD BE REQUIRED IF UNIVERSAL AGREEMENT IS TO BE ACHIEVED, FOR, AS IT IS, THE OBJECTIONABLE ARTICLES RENDER THE CHARTER AS A WHOLE A DOCUMENT WHICH IS NEITHER BALANCED NOR EQUITABLE.

PENDING SUCH RENEGOTIATION, THE UNITED STATES MUST MAINTAIN ITS POSITION OF OPPOSITION TO THE CHARTER. WE THEREFORE TRUST IT WILL BE UNDERSTOOD THAT THE UNITED STATES CANNOT SUPPORT SUCH REFERENCES IN OTHER RESOLUTIONS AS THOSE WHICH IMPLY ENDORSEMENT OF THE CHARTER AS A WHOLE, WHICH CALL FOR ITS UNQUALIFIED IMPLEMENTATION, OR WHICH CHARACTERIZE IT AS A DOCUMENT THAT WILL PROMOTE THE ACHIEVEMENT OF A MORE JUST INTERNATIONAL ORDER DESIRED BY ALL STATES. WE ACKNOWLEDGE THE HIGH PURPOSES THE CHARTER SET OUT TO ACHIEVE BUT, LIMITED OFFICIAL USE

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IN OUR VIEW, IT WILL REQUIRE IMPORTANT AMENDMENT IF IT IS INDEED TO MAKE A REAL CONTRIBUTION TO A JUST, BALANCED WORLD ORDER. UNQUOTE. INGERSOLL UNQTE KISSINGER

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Margaret P. Grafeld
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